

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAY -1 AM 9:24

UNITED STATES OF AMERICA

) Magistrate Docket No. _____
) '08 MJ 1362 VMT security
)
 Plaintiff)
) COMPLAINT FOR
 v.) VIOLATION OF:
) TITLE 18 U.S.C. § 1544
 Michael Alexander PIETRCZAK) Misuse of Passport (Felony)
 AKA: Andy Goodwin Jr.)
)
 Defendant)

The undersigned complainant, being duly sworn, states:

On or about April 29, 2008, within the Southern District of California, defendant Michael Alexander PIETRCZAK did knowingly and willfully use a passport issued or designed for the use of another, to wit: Defendant presented US passport number 500621783, issued to Andy Goodwin Jr., knowing full well that he was not Andy Goodwin Jr., and that the passport was not issued or designed for his use, in violation of Title 18, United States Code, Section 1544.

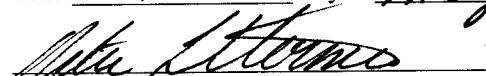
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Bruce A. Palombo Jr.
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me

This 1st day of May, 2008.

 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Bruce Anthony Palombo Jr., being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for 3 ½ years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Michael Alexander PIETRCZAK used the passport issued for the use of another. This Affidavit is made in support of a complaint against Michael Alexander PIETRCZAK for violation of Title 18, U.S.C., Section 1544, Misuse of a Passport.
3. On 04/29/08, at approximately 1330 hours, according to a CBP Officer, Michael Alexander PIETRCZAK, was stopped by Mexican authorities heading southbound as they suspected the Vehicle Identification Number was swapped out, as a result, he was sent back to the US and referred to CBP for inspection. A Department of Homeland Security, Customs and Border Protection (CBP) Officer took DEFENDANT into custody, after DEFENDANT was escorted back to the San Ysidro Port of entry. CBP officer asked DEFENDANT several questions about the vehicle, after noticing the key for the Chevy Tahoe, DEFENDANT'S vehicle, was actually a key for a Honda automobile. DEFENDANT told a CBP officer that he had purchased the car one week earlier in Mexico. The CBP Officer asked to see any documentation of the purchase and DEFENDANT was unable to produce any, nor provide the name of the seller. DEFENDANT provided a CBP Officer with a U.S. Passport (number 500621783) bearing the name of Andy Goodwin Jr. DEFENDANT was escorted to the Security Officer for further inspection.
4. On 04/29/2008, a CBP Officer conducted a secondary inspection of DEFENDANT. During the inspection DEFENDANT'S fingerprints were taken, and revealed that he had an FBI record in the name Michael Alexander PIETRCZAK, 10/17/1972. DEFENDANT also possessed a fraudulent CA DL with his picture, but the name of Andy Goodwin Jr.
5. On 04/29/2008, at approximately 1500 hours, the DSS San Diego Resident Office Representative was notified by the CBP at the San Yisdro POE of the case. Affiant conducted checks of the US Department of State, US Passport database. Record checks revealed that US Passport number 500621783 had been issued on December 14, 2006, and the photograph and DOB on the passport application did not match the photograph and DOB on the passport presented by DEFENDANT.

6. On 04/29/2008, record checks were conducted and revealed that the vehicle that DEFENDANT was driving had crossed into the US from Mexico earlier in the day and the US passport that DEFENDANT possessed had been scanned by a CBP Officer at the time of the vehicle crossing. Record check also revealed that the vehicle then crossed back into Mexico approximately one hour later, the approximate time he was encountered by Mexican Officials.

7. On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offence on 04/29/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Andy Goodwin Jr., knowing that it was not issued or designed for his use.